

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HARRY LOUIS STEVEN VANPELT,

Defendant.

CR 13–25–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 11, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

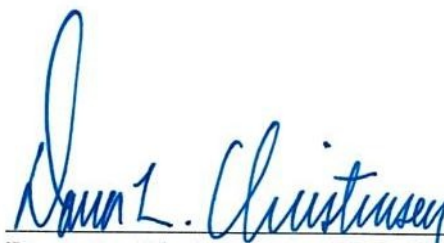
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Harry Louis Steven Vanpelt's guilty plea after Vanpelt appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 (Count I), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II through V of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 62), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Harry Louis Steven Vanpelt's motions to change plea (docs. 25, 27) are GRANTED.

DATED this 2nd day of October, 2013.



Dana L. Christensen, Chief District Judge
United States District Court